

Attorney's Docket No.: 02103-212001

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Number of pages including this page 3

Applicant : Thomas A. Froeschle et al.
Serial No. : 10/810,538
Filed : March 26, 2004

Art Unit : 3748
Examiner : Ching Chang

Title : Electromagnetic Actuator and Control

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attached to this facsimile communication cover sheet is Response B, faxed this 15th day of March, 2005, to the United States Patent and Trademark Office.

Respectfully submitted,
FISH & RICHARDSON P.C.



Charles Hieken
Reg. No. 18,411
Attorneys for Application Owner

Date: March 15, 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Thomas A. Froeschle et al. Art Unit : 3748
Serial No. : 10/810,538 Examiner : Ching Chang
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Mail Stop Amendment
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE B

Dear Commissioner:

Responsive to the office action dated February 23, 2005, the office action states:

Applicants' election of the species of Figs. 4A-4I in the reply filed on November 19, 2004 is acknowledged. However, a listing of all claims readable on the aforementioned selected single species has not been included, as required in the Office Action mailed on October 28, 2004 under 35 U.S.C. 121, therefore the aforementioned election is considered to be a non-compliant response under the requirement of 35 U.S.C. 121. P.2

The statement that a listing of all claims readable on the aforementioned selected single species has not been included is not understood and incorrect.

In the response filed November 19, 2004, the second paragraph of the remarks read as follows:

Patent Owner provisionally elects claims 1-37 and 44-55 in group I for further prosecution in this application should the requirement for restriction be maintained and the species of FIGS 4A-4I and claims 1-37 and 44-55 readable thereon should the requirement for restriction be maintained. P.2 (emphasis added).

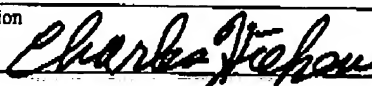
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NO. 6050 P. 3

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Since this response did list all claims readable on the single species, withdrawal of the consideration that the response was noncompliant is respectfully requested, withdrawal of the requirement for restriction and an action on the merits on the claims is respectfully requested. Should the response be still regarded as noncompliant the Examiner is respectfully requested to telephone the undersigned attorney as 617-521-7014 to discuss what additional steps he believes are necessary to make the response compliant.

Respectfully submitted,
FISH & RICHARDSON P.C.

MAR 15 2005

Date: _____



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